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MICROSOFT CORPORATION
12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 MICROSOFT CORPORATION, a
16 Washington corporation,

17 Plaintiff,

18 v.

19 INTRAX GROUP, INC., d/b/a,
20 SURPLUS COMPUTERS, a California
corporation; MICHAEL MAK, an
individual; and JOHN DOES 1-5,

21 Defendants.
22

No. 07-CV-01840-CW

RULE 26(f) REPORT OF MEETING

23
24 On July 19 and 20, 2007, counsel for Plaintiff Microsoft, Inc. and Defendants Intrax
25 Group, Inc. d/b/a Surplus Computers and Michael Mak met by telephone conference
26 pursuant to Fed. R. Civ. P. 26(f) and this Court's July 5, 2007 Case Management

1 Scheduling Order for Reassigned Civil Case to confer regarding the nature of claims and
2 defenses, Rule 26(a)(1) disclosures, and to develop a proposed discovery plan. The
3 following is a result of this conference.

4 1. Initial Disclosures.

5 The parties agreed to exchange their Fed. R. Civ. P. 26(a) initial disclosures
6 by August 17, 2007.

7 2. Plaintiff--Subject Matter of Discovery.

8 As of this time, Plaintiff intends to serve discovery requests regarding, but
9 not necessarily limited to, defendants' sales records, customer records, shipping records,
10 information regarding other individuals and/or entities from whom Microsoft product was
11 received and to whom Microsoft product was marketed, sold, provided or distributed, bank
12 accounts and financial information, employee identification and information, the computers
13 each Defendant used in their business operations, and any profits made from the sales of
14 Microsoft products. Plaintiff may seek to depose the Defendants and other identified fact
15 witnesses, as well as any experts identified by the Defendants. Plaintiff reserves its right to
16 seek discovery on other relevant issues based upon its further investigation and discovery.

17 3. Defendant--Subject Matter of Discovery.

18 Defendants intend to serve discovery requests regarding sales records, customer
19 records, shipping records, licensing agreements, and correspondence relating thereto, for
20 the subject product and for all parties in the chain of distribution of that product. This
21 includes all contracts (including but not limited to licensing agreements), correspondence of
22 any sort, phone records, shipping records, and any other materials, including both hard copy
23 and electronic copies. Defendants also expect to conduct discovery of Microsoft relating to
24 its policies regarding sales and distribution of Student Media, Academic version software
25 and similar types of product sold by Microsoft. Defendants need to identify potential
26 witnesses, which include those relating to the publisher in Ireland, and all those in the chain

1 of distribution from the publisher to the distributors, sub-distributors and clients alleged by
2 Microsoft to be located in the Middle East. Defendants anticipate depositions in the United
3 States and abroad to accomplish this. Defendants reserve their right to seek discovery on
4 other relevant issues based upon further investigation and discovery.

5 4. Discovery Deadlines.

6 The parties submit the following suggested deadlines for discovery:

- 7 a. Plaintiff's expert disclosures: March 20, 2008
8 b. Defendants' expert disclosures: April 18, 2008
9 c. Discovery cut-off: July 18, 2008

10 5. Electronic Discovery.

11 The parties agree that no changes or additions should be made to the rules
12 concerning the disclosure and discovery of electronically stored information imposed under
13 the applicable Federal Rules of Civil Procedure and the Local Civil Rules.

14 6. Claims of Privilege or of Protection as Trial Preparation Material.

15 The parties have no current agreement on this issue to submit to the Court
16 and expect to assert any such claims if and when they arise.

17 7. Directives or Limitations on Discovery.

18 The parties agree that no changes or additions should be made to the
19 limitations on discovery imposed under the Federal Rules of Civil Procedure and the Local
20 Civil Rules. The parties agree that there is no need to conduct discovery in phases.

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8. Other Orders Pursuant to Rule 26(c) or under Rule 16(b) and (c).

The parties reserve the right to circulate and request entry of a Protective Order to the extent necessary. The parties will comply with this Court's requirements for protective orders and the treatment of confidential information.

DATED this 20th day of July, 2007.

PERKINS COIE LLP

LAW OFFICES OF STEVEN A. DILLICK

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following parties and/or counsel of record, by the means designated below, this 20th day of July, 2007.

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